

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



In re application of: GOKLEN ET AL.

Serial No. 10/526,301

Filed March 1, 2005

Group Art Unit 1656

Examiner A. B. Rooke

For: USING AMINES OR AMINO ACIDS AS MOBILE PHASE
MODIFIER IN CHROMATOGRAPHY

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

☐ The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>17</u>	-	** <u>20</u> =	<u>0</u> X	\$50	= <u>0.00</u>
Independent Claims	* <u>3</u>	-	*** <u>3</u> =	<u>0</u> X	\$200	= <u>0.00</u>
Multiple Dependent Claims					\$360 ****	= <u> </u>
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT →						0.00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.

**** Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

Respectfully,

Julie M. Lake
By: Julie M. Lake
Attorney for Applicant(s)
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Date: March 19, 2007

IN DUPLICATE

AF
1656



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kent E. Goklen et al.

Serial No.: 10/526,301

Filed: March 1, 2005

For: USING AMINES OR AMINO ACIDS AS
MOBILE PHASE MODIFIER IN
CHROMATOGRAPHY

Art Unit: 1656

Examiner: Agnes B. Rooke

Case No.: 20959P

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MERCK & CO., INC.
By Christine M. M... Date 3/19/07

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Sir:

In response to the Final Rejection mailed December 22, 2006, reconsideration is requested in light of the following remarks.

Claims 2-10, 12-18 and 20 are pending in this application.

The pending claims, claims 2-10, 12-18 and 20, were provisionally rejected over claims 3-14 of commonly assigned, co-pending U.S. Patent Application No. 10/569,155 under the judicially created doctrine of nonstatutory, obviousness-type double patenting. While Applicants do not necessarily agree with the rejection, Applicants respectfully submit that this rejection is improper and should be withdrawn.

The provisional double-patenting rejection is the only remaining rejection in this application, which has an earlier filing date than the '155 application. "If a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, ... the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent